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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,489	02/26/2002	Gary Dommer	65551-011910	4913
7590	10/05/2007			
Patent Administrator Greenberg Traurig, LLP One International Place Boston, MA 02110				EXAMINER
				NGUYEN BA, HOANG VU A
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
10/05/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/085,489	DOMMER ET AL.
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 July 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2007 has been entered.
2. Claims 1-18 are pending. Claims 1, 8, 13 are independent claims.

### ***Response to Amendments***

3. Per Applicant's request, Claims 1, 8 and 13 have been entered.

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but they are moot in view of new ground(s) of rejection presented herein.

### ***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,177,931 to Alexander et al. ("Alexander") in view of W3C, Core

Techniques for Web Content accessibility Guidelines 1.0 and HTML Techniques for Web Content Accessibility Guidelines 1.0 (both referred hereinafter as "W3C Guidelines"), both November 2000.

### Claims 1, 8 and 13

Alexander discloses all the features of Claims 1, 8 and 13 except:

*such that navigation over the second display portion replaces previously displayed data fields with a display of current data fields along the Z-axis from the second display portion.*

However, W3C Guidelines teaches the following:

#### 10.6 Alternatives to frames

One of the most common uses of frames is to split the user's browser window into two parts: a navigation window and a content window. As an alternative to frames, we encourage you to try the following:

1. Create one document for the navigation mechanism (call it "nav.html"). A separate document means that the navigation mechanism may be shared by more than one document.
2. In each document requiring the navigation mechanism, include it at the bottom of the document with the following (or similar) OBJECT markup:

#### Example.

```
<P>
<OBJECT data="nav.html">
  Go to the <A href="nav.html">table of contents</A>
</OBJECT>
```

Putting the navigation mechanism at the end of the document means that when style sheets are turned off, users have access to the document's important information first.

3. Use style sheets to position the navigation mechanism where you want on the screen. For example, the following CSS rule floats the navigation bar to the left of the page and makes it take up 25% of the available horizontal space:

```
4.      OBJECT { float: left; width: 25% }
```

The following CSS rule attaches the navigation mechanism to the bottom-left corner of the page of the page and keeps it there even if the user scrolls down the page:

```
OBJECT { position: fixed; left: 0; bottom: 0 }
```

**Note.** Navigation mechanisms or other content may be inserted in a document by means of server-side includes.

and,

### 3 Alternative pages

Checkpoints in this section:

- 11.4 If, after best efforts, you cannot create an accessible page, provide a link to an alternative page that uses W3C technologies, is accessible, has equivalent information (or functionality), and is updated as often as the inaccessible (original) page. [Priority 1]
- 6.5 Ensure that dynamic content is accessible or provide an alternative presentation or page. [Priority 2]

Although it is possible to make most content accessible, it may happen that all or part of a page remains inaccessible. Additional techniques for creating accessible alternatives include:

1. Allow users to navigate to a separate page that is accessible, contains the same information as the inaccessible page, and is maintained with the same frequency as the inaccessible page.
2. Instead of static alternative pages, set up server-side scripts that generate accessible versions of a page on demand.
3. Refer to the examples for Frames and Scripts.
4. Provide a phone number, fax number, e-mail, or postal address where information is available and accessible, preferably 24 hours a day

Here are two techniques for linking to an accessible alternative page:

1. Provide links at the top of both the main and alternative pages to allow a user to move back and forth between them. For example, at the top of a graphical page include a link to the text-only page, and at the top of a text-only page include a link to the associated graphical page. Ensure that these links are one of the first that users will tab to by placing them at the top of the page, before other links.
2. Use meta information to designate alternative documents. Browsers should load the alternative page automatically based on the user's browser type and preferences.

Checkpoints in this section:

- 9.2 Ensure that any element that has its own interface can be operated in a device-independent manner. [Priority 2]
- 9.3 For scripts, specify logical event handlers rather than device-dependent event handlers. [Priority 2]
- 9.4 Create a logical tab order through links, form controls, and objects. [Priority 3]

- 9.5 Provide keyboard shortcuts to important links (including those in client-side image maps), form controls, and groups of form controls. [Priority 3]

Not every user has a graphic environment with a mouse or other pointing device. Some users rely on keyboard, alternative keyboard or voice input to navigate links, activate form controls, etc. Content developers must ensure that users may interact with a page with devices other than a pointing device. A page designed for keyboard access (in addition to mouse access) will generally be accessible to users with other input devices. What's more, designing a page for keyboard access will usually improve its overall design as well.

Keyboard access to links and form controls may be specified in a few ways:

#### **Image map links**

Provide text equivalents for client-side image map areas, or provide redundant text links for server-side image maps. Refer to the image map section for examples.

#### **Keyboard shortcuts**

Provide keyboard shortcuts so that users may combine keystrokes to navigate links or form controls on a page. **Note.** Keyboard shortcuts -- notably the key used to activate the shortcut -- may be handled differently by different operating systems. On Windows machines, the "alt" and "ctrl" key are most commonly used while on a Macintosh, it is the apple or "clover leaf" key. Refer to the Keyboard access for links and Keyboard Access to Forms sections for examples.

#### **Tabbing order**

Tabbing order describes a (logical) order for navigating from link to link or form control to form control (usually by pressing the "tab" key, hence the name). Refer to the Keyboard Access to Forms section for examples.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use W3C Guidelines for style sheets to create Alexander's EPG so that the navigation bar 20 in FIG. 1 of Alexander is created as a document for the navigation mechanism as taught in W3C Guidelines, 10.6.1. and 3. Alternative pages above so that when a user tabs the cursor to item "Schedule," the content window "Schedule" is displayed as shown in FIG. 6.

One of ordinary skill in the art would have been motivated to use the W3C Guidelines to design Alexander's EPG style sheet in order to make the navigation of EPG more user-friendly.

#### **Claims 2-7, 9-12 and 14-18**

Rejections of the corresponding base claims are incorporated. For the specific features recited in these claims, see previous Office actions.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday - Friday from 7:00 – 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist: 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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September 17, 2007